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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

United States of America

Criminal Action No. 6:05-CR-60014

versus

Judge Tucker L. Melançon

Darrell Johnson

Magistrate Judge Hill

ORDER

Before the Court is defendant Darrell Johnson's Motion for Reconsideration of Sentence [Rec. Doc. 35].

WHEREAS defendant Darrell Johnson was sentenced on November 17, 2005 to serve 168 months in the custody of the United States Bureau of Prisons.

WHEREAS defendant urges the Court to consider a reduction in sentence from 168 months to 120 months because of the unavailability of the F.C.I. Butner facility until the last 18 to 27 months of the sentence, concerns of defendant's old age upon completion of his sentence, and global concerns about the general population's perception and treatment of sex offenders.

WHEREAS the Court is not unsympathetic to the issues raised by defendant in his Motion.

WHEREAS the only vehicle available to the Court for reconsidering a sentence is Federal Rules of Criminal Procedure Rule 35. Federal Rules of Criminal Procedure

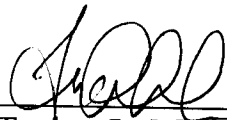
Rule 35(a) allows the Court to correct arithmetical, technical, or other clear error within 7 days of sentencing. Federal Rules of Criminal Procedure Rule 35(b) authorizes the Court to reduce a sentence upon the Government's motion based on substantial assistance.

WHEREAS neither provision of Rule 35 is applicable.

Accordingly,

IT IS ORDERED that Darrell Johnson's Motion for Reconsideration of Sentence [Rec. Doc. 35] is DENIED.

Thus done and signed this 2nd day of December, 2005 at Lafayette, Louisiana.



Tucker L. Melançon
United States District Judge

COPY SENT
DATE 12/2/05
BY [Signature]
TO [Signature]

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL NO.: 05CR60014
05-SU-00072; 05-MG-60022

VERSUS

JUDGE TUCKER L. MELANCON

DARRELL JOHNSON

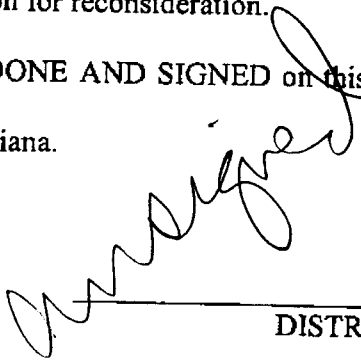
MAGISTRATE JUDGE
MILDRED E. METHVIN

ORDER

CONSIDERING THE FOREGOING MOTION FOR RECONSIDERATION OF
SENTENCE:

IT IS HEREBY ORDERED that an evidentiary hearing be set for the _____ day of
_____, _____, at _____ m. to consider the issues raised in Darrell
Johnson's motion for reconsideration.

THUS DONE AND SIGNED on this _____ day of _____, 2005, at
Lafayette, Louisiana.



DISTRICT JUDGE

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BY [Signature]
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